

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 14-cr-33

JUSTIN BORTZ,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On March 13, 2014, a federal grand jury sitting in Madison, Wisconsin, returned an indictment against defendant Justin Bortz. Count one charged that on or about, August 19, 2012, the defendant knowingly distributed visual depictions, specifically computer video files, using any means or facility of interstate or foreign commerce, and the production of such visual depictions involved the use of minors engaging in sexually explicit conduct, and the visual depictions are or such conduct, all in violation of Title 18, United States Code, Section 2252(a)(2). Count two charged that on or about November 13, 2013, the defendant knowingly possessed an iMac computer, containing visual depictions that were produced using materials which had previously been shipped in interstate and foreign commerce, specifically the iMac computer, serial number W88250Q2ZE7, and the production of such visual depictions involved the use

of a minor engaging in sexually explicit conduct, and the depictions are of such conduct, all in violation of Title 18, United States Code, Section 2252(a)(4). The indictment also contained a forfeiture allegation for the forfeiture of:

- a. any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained; and
- b. the property used or intended to be used to commit or to promote the commission of the aforementioned offense, specifically described as a custom built computer tower model TX750, serial number CMPSU-750TXV2, and an iMac, serial number W88250Q2ZE7.

2. On June 27, 2014, the defendant entered a plea of guilty to Count one of the indictment, pursuant to a written plea agreement. In the plea agreement, the defendant agreed to the forfeiture of the following: a custom built computer tower (described in the indictment as having serial number CMPSU-750TXV2), a 1TB Seagate Barracuda hard drive with serial number 6VPFW1P found inside the custom built computer, and a hard drive found inside an iMac.

IT IS THEREFORE ORDERED:

1. That based upon Justin Bortz's plea, and pursuant to Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the custom built computer tower model TX750, a 1TB Seagate Barracuda hard drive with serial number 6VPFW1P found inside the custom built computer, an iMac with serial number W88250Q2ZE7, and the hard drive found inside

the iMac. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

2. Pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

3. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 15th day of July 2014.



JAMES D. PETERSON
United States District Judge